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OFFICE OF PETITIONS

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708

In re Patent No. 7,056,710 Issued: June 6, 2006 Application No. 09/836,705

Filed: April 17, 2001

Atty. Dkt. No.: 01149/HG

: DECISION REGARDING PTA and

: NOTICE OF INTENT TO ISSUE

: CERTIFICATE OF CORRECTION

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d))," filed June 27, 2006.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is hereby GRANTED. The Office will sua sponte issue a certificate of correction reflecting this decision. The Office will also adjust the PAIR determination to reflect 78 additional days of PTA to applicant.

The above-identified application matured into U.S. Patent No. 7,056,710 on June 6, 2006. The patent issued with a PTA of 218 days. The instant application for PTA was timely filed June 27, 2006. Patentees argue that the adjustment of 377 days was improperly reduced 78 days in connection with a drawing submission on March 21, 2006.

Review of the application history reveals that at the time of issuance, an adjustment 377 days could be attributed to the Office in accordance with 37 CFR 1.702.

The adjustment of 377 days was properly reduced 81 days under 37 CFR 1.704 for failures to engage in reasonable efforts to conclude prosecution.

The adjustment of 377 days was improperly reduced 78 days, as argued by patentees, relative to the drawing submission on March 21, 2006. After the mail date of the notice of allowance, the Office requested that patentees submit a courtesy copy of two of the drawings that were originally filed on April 7, 2001. that patentees were merely providing the same drawings as initially filed, the submission of such drawings on March 23,

2006 is not considered a failure to engage in reasonable efforts to conclude prosecution of the application. If patentees had made any changes to such drawings, then patentees would have failed to engage in reasonable efforts to conclude prosecution of the application under 37 CFR 1.704(c)(10).

Therefore, at the time of issuance, the patent was entitled to an adjustment of 296 days, as argued by patentees.

Receipt is hereby acknowledged of the required application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 296 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fres

Kery Fries Senior Legal Advisor Office of Patent Legal Administration Office of Deputy Commissioner for Patent Examination Policy

Enclosure:

Draft Certificate of Correction Adjusted PAIR calculation

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT

7,056,710 B2

DATED

June 6, 2006

INVENTOR(S):

Abe, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 218 days

Delete the phrase "by 218 days" and insert - by 296 days--

Day : Monday Date: 8/21/2006

Time: 10:54:33



PTA Calculations for Application: <u>09/836705</u>						
Application Filing Date:	04/17/2001	PTO Delay (PTO):	377			
Issue Date of Patent:	06/06/2006	Three Years:	0			
Pre-Issue Petitions:	0	Applicant Delay (APPL):	159			
Post-Issue Petitions:	0	Total PTA (days):	296			
PTO Delay Adjustment:	78					

	1 TO Dela	y Adjustinent. 78			<u> </u>	
File Contents History						
Number	Date	Contents Description	PTO	APPL	START	
108	08/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	78			
103.5	05/17/2006	PTA 36 MONTHS				
103	06/06/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	130		90	
102	05/11/2006	EXPORT TO FINAL DATA CAPTURE				
101	05/08/2006	FINISHED INITIAL DATA CAPTURE				
100	05/08/2006	DISPATCH TO FDC				
99	03/21/2006	MISCELLANEOUS INCOMING LETTER		0		
98	03/21/2006	WORKFLOW - DRAWINGS FINISHED		78		
97	03/23/2006	WORKFLOW - QUERY REQUEST - FINISH				
96	03/22/2006	RECEIPT INTO PUBS				
95	03/22/2006	RECEIPT INTO PUBS				
94	03/22/2006	RECEIPT INTO PUBS				
93	03/16/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT				
92	03/13/2006	WORKFLOW - QUERY REQUEST - BEGIN				
91		APPLICATION IS CONSIDERED READY FOR ISSUE				
90	09/27/2005	ISSUE FEE PAYMENT VERIFIED				
89	11/09/2005	SEQUENCE FORWARDED TO PUBS ON TAPE				
88	09/27/2005	ISSUE FEE PAYMENT RECEIVED				
87	07/11/2005	EXPORT TO INITIAL DATA CAPTURE				
86	07/12/2005	RECEIPT INTO PUBS				
85	07/12/2005	RECEIPT INTO PUBS				
84	07/12/2005	RECEIPT INTO PUBS				
83	07/01/2005	MAIL NOTICE OF ALLOWANCE				
82	06/27/2005	ISSUE REVISION COMPLETED				
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81	06/27/2005	NOTICE OF ALLOWANCE DATA VERIFICATION		
		COMPLETED		
80		NOTICE OF ALLOWABILITY	 	
79	04/29/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE		
78	04/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED	8	67
76	03/26/2002	PRELIMINARY AMENDMENT		
75	02/12/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
74	10/25/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
73	10/25/2001	PRELIMINARY AMENDMENT		
72	04/17/2001	PRELIMINARY AMENDMENT		
71	04/25/2005	DATE FORWARDED TO EXAMINER		
70	04/18/2005	SUPPLEMENTAL RESPONSE		
69	04/22/2005	CORRESPONDENCE ADDRESS CHANGE		
68	04/21/2005	DATE FORWARDED TO EXAMINER		
67	04/11/2005	RESPONSE AFTER NON-FINAL ACTION		
66	01/13/2005	MAIL NON-FINAL REJECTION	,	
65	01/10/2005	NON-FINAL REJECTION		
64	10/08/2004	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED		
63	11/08/2004	DATE FORWARDED TO EXAMINER		
62	10/08/2004	SUPPLEMENTAL RESPONSE	21	55
61	10/21/2004	DATE FORWARDED TO EXAMINER		
60	10/08/2004	SUPPLEMENTAL RESPONSE	_	
59	10/08/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)		
58	10/08/2004	WORKFLOW INCOMING AMENDMENT IFW		
57	02/12/2002	REFERENCE CAPTURE ON IDS		
56	09/30/2004	DATE FORWARDED TO EXAMINER		
55	09/17/2004	RESPONSE AFTER NON-FINAL ACTION		
54	09/17/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
53	·	WORKFLOW INCOMING AMENDMENT IFW		
52	07/15/2004	MAIL NON-FINAL REJECTION		
51	07/07/2004	NON-FINAL REJECTION		
50	05/06/2004	DATE FORWARDED TO EXAMINER		

1.				
49	04/28/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE		
48	05/06/2004	DATE FORWARDED TO EXAMINER		
47	04/28/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)	12	24
46	05/06/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)		
45	04/28/2004	REQUEST FOR EXTENSION OF TIME - GRANTED		
41	04/28/2004	WORKFLOW INCOMING AMENDMENT IFW		
40	04/28/2004	WORKFLOW - REQUEST FOR RCE - BEGIN		
39	04/22/2004	MAIL ADVISORY ACTION (PTOL - 303)		
38	04/21/2004	ADVISORY ACTION (PTOL-303)		
37		DATE FORWARDED TO EXAMINER		
36	04/08/2004	AMENDMENT AFTER FINAL REJECTION		
35	04/14/2004	WORKFLOW INCOMING AMENDMENT IFW		
34	04/16/2004	DATE FORWARDED TO EXAMINER		
33	04/13/2004	AMENDMENT AFTER FINAL REJECTION		
32	04/08/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
31	1	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED		
30		DATE FORWARDED TO EXAMINER		
29	04/08/2004	AMENDMENT AFTER FINAL REJECTION		
28	04/13/2004	WORKFLOW INCOMING AMENDMENT IFW		
27	04/08/2004	WORKFLOW INCOMING AMENDMENT IFW		
26	03/18/2004	PETITION DECISION - DENIED		
25	10/08/2003	PETITION ENTERED		
24	01/16/2004	MAIL FINAL REJECTION (PTOL - 326)		
23	01/12/2004	FINAL REJECTION		
22	<u> </u>	DATE FORWARDED TO EXAMINER		
21	10/08/2003	RESPONSE AFTER NON-FINAL ACTION	40	18
20	10/08/2003	REQUEST FOR EXTENSION OF TIME - GRANTED		
19	06/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
18	05/29/2003	MAIL NON-FINAL REJECTION		
17	05/28/2003	NON-FINAL REJECTION		
16	03/24/2003	DATE FORWARDED TO EXAMINER		

15	03/12/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
14	02/19/2003	MAIL RESTRICTION REQUIREMENT	247		-1
13	02/14/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
12	09/28/2002	CASE DOCKETED TO EXAMINER IN GAU		,	·
11	07/01/2002	APPLICATION DISPATCHED FROM OIPE			
10	06/28/2002	APPLICATION IS NOW COMPLETE			
9	10/25/2001	TRANSLATION OF CLAIMS INTO ENGLISH			
8		A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	10/25/2001	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
6	10/11/2001	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	06/10/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			,
4	10/09/2001	NOTICE MAILEDAPPLICATION INCOMPLETE FILING DATE ASSIGNED			
3	10/05/2001	CORRESPONDENCE ADDRESS CHANGE			
2	04/29/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/17/2001	INITIAL EXAM TEAM NN			

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## **EXPLANATION OF PTA CALCULATION**

## **EXPLANATION OF PTE CALCULATION**

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